

SEWER COMMISSION MINUTES

August 8, 2007

Mrs. Briggs - The regular meeting of the Town of North Smithfield Sewer Commission was called to order on Wednesday August 8, 2007 at 7:06 pm.

Roll Call - Mrs. Paul - In attendance was: Mr. Tikoian, Mr. McGee, Mr. Connolly, Mrs. Briggs and Mrs. Paul Secretary. Mr. Nordstrom was not in attendance.

1. APPROVAL OF MINUTES

Mr. Connolly -Approval of Sewer Commission for June 13, 2007 minutes. There was no quorum in July.

MOTION by Mr. Connolly, seconded by Mr. McGee, and voted unanimously on an aye vote 4-0 to accept and approve the June 13, 2007 minutes.

2. REPORT FROM SUPERINTENDENT

Mr. Alvarez stated that he has no significant issues or concerns to report at that time.

MOTION by Mr. Connolly, seconded by Mr. Tikoian and voted

unanimously on an aye vote 4-0 to move up on the agenda items number 4 Park Square Medical Center, Mr. Bill Gasbarro and item number 5 Arthur Saucier and Debra Nespolo - Plat 1 Lot 43 Buxton Street-Sewer Pump.

3. PARK SQUARE MEDICAL CTR-Bill Gasbarro

Mr. Gasbarro, owner of Park Square Medical Center 63-67 Eddie Dowling Highway and owner of 67-75 Eddie Dowling Highway, tenant is Exposure One.

Mr. Mazzilli representing Mr. Gasbarro is requesting permission for Mr. Gasbarro to tie in both of his office buildings 63-67 and 69-75 Eddie Dowling Highway. Mr. Gasbarro was told that the difficulty he is having went to apply that he would be charged the residential rate of \$5,200 per unit. They both reviewed the code and feel that they don't believe that it is correct. Mr. Gasbarro submitted a report that he had come up with three different ways to calculate what he believes is an appropriate development fee. Mr. Gasbarro did submit a check for one quarter of what they wanted to charge him and would pay under protest because he wants to get the job started. Mr. Mazzilli and Mr. Gasbarro are looking for some guidance from the commission as to the most appropriate way to do it. He stated that clearly the residential portion of the ordinance does not apply.

Mr. Gasbarro would like to have both properties tied in at the same time.

Mrs. Briggs stated that the main concern at this point is that the number of units depending on what fee is going to be assessed and what fee to be charged in order to get his permit will determine how many units is capable of hooking up. The key piece she feels is the number of units or the amount that will be assessed for those units is because that they are there. There are three separate septic systems in those twelve units.

Mr. Gasbarro agreed with Mrs. Briggs.

Mrs. Briggs stated that since there are three different separate ISDS systems and the concern has always been and will look for Mr. Alvarez for some guidance before a recommendation is made to the council, that they have never faced a situation where someone had asked them because they haven't been able to figure out what their assesement was going to be and because of the assessment of \$5,200 which is a residential assessment and the offices are clearly not residences, so therefore she would think that it would be different than the \$5,200 fee. She stated that Mr. Gasbarro would like to connect all of his units eventually but depending on the assessment may not be able to do so right up front. When he goes to the taxation office, their response is that they have to connect the whole building. The question that is before the commission is will they allow some lesser amount of connection, lesser number of units or whatever that number of units are, knowing once the they settle out the

assessment, he will then connect up the rest of them and his contractors are now onsite. Mrs. Briggs asked Mr. Alvarez if there was any way that they can verify once Mr. Gasbarro gets a pipe into his building how do they verify what units are connected and which are not connected and whether or not is there a way to stop it from being connected to another unit or only be connected to another unit when the commission gives the approval.

Mr. Gasbarro is talking almost \$80k in tie in fees for the \$5,200 per unit. He stated that the amount is very difficult for him to come up even if he did it quarterly at the 12% interest with one quarter down. What he is asking to do is if they can set up some sort of determination as to what the criteria will be to figure out edu's? If not he is asking then for some type of consideration to tie in that

August 8, 2007

first septic system, so when his crews are there doing the other building, the insurance building, they can also tie in one of the three septic systems. It would be the septic unit that services part of Urgent Care and all of the bank and it doesn't service anything else and that it has been certified by the plumbers. The second septic system in the middle services about another four or five units, independently and are all not tied in together by pipes. They use three different feeders from the building. The third one services the last three or four units and that is individually fed. Each system services only a particular set of units and they have been checked

with water flows to see if they were all going into the appropriate ones.

Mr. Connolly asked why were they going through the septic units instead of direct connects from the building to the sewer system?

Mr. Gasbarro's response was that he wasn't. The print shows of where they are going to take out and fill in all three septic systems and will put in brand new pipes from the three feeders in the building and another separate pipe from the Kirby Insurance Company building. If he can't do that because of how much money he is exposing himself of the cost of tie-ins, then he would have to take a hybrid type approach and allow him to at least tie in one of his septic systems from Park Square Medical Center and obviously from Kirby Insurance and the others he would continue to run them on the septic system until he finds out what the fees are.

Mrs. Briggs stated that she has had a conversation with the collection office and had spoken with Mr. Gasbarro in the past and she had indicated to him that he is on private property and under normal circumstances he would not need to come before the commission because he would be connecting to existing facilities. It is only because when she spoke with Mr. Alvarez and looking at it as an engineering perspective, that it was a doable situation to do it piecemeal. The problem that wasn't explored well enough when looking at it was from an engineering perspective is how they handle

it financially within the administration. It really is an administrative issue. The only thing that the commission can provide to the town council is the commission's recommendation as to whether they think it is feasible for the connection to be done piecemeal. Her question was that is there a way to provide direction to the administration and give some assurance that the connections will be known so that the billing can begin at the time of connection?

Mr. Connolly asked Mr. Gasbarro what was his three different calculations that he came up with?

Mr. Gasbarro's response was that based upon the first way he calculated it at 15 gallons per person per day except for the endodontist which was more, pursuant to the ISDS recommendation and he came up with 164,250 gallons and divided that by the 450 gallons per day flow rate and divided that by the 365 days per year and it came to 1.13 edu's. He also stated he eliminated Sundays and 11 holidays. The second way he did it was that he took his most recent water bill and he took the usage of that bill and multiplied it by 7.48 and it gives the gallons. It was 1.82 edu's. And the third way he figured was a formula sheet taken from the commissions and he then came under 2 edu's.

Mr. Connolly asked that it wasn't the cost of edu's but what would the cost be if he used the residential rate of \$80k? What would his cost be using his three methods of one, two and three?

Mr. Gasbarro's stated that they all come out between more than one and less than 2 edu's for the Park Square Medical Center building. At \$5,200k an edu, it would be about \$10,400k. So the maximum of the three would be \$15,600.

Mr. Connolly stated that his maximum exposure is about \$15k.

Mrs. Briggs stated that the issue that has been raised is how are these units going to be defined? She feels that since they are not residential units so therefore they do not fall under the \$5,200k improvement fee. However they are units and so the commission needs to make a determination and they are not included in the existing district. They do in fact meet the definition of units connecting to an existing district. But they are not residential units.

Mr. McGee asked Mr. Gasbarro how many bathrooms are there in these units?

Mr. Gasbarro's response was that he thinks there are between the two is a total of 22-24 bathrooms. He stated that the bathrooms are very limited and are low flushed toilets. There are no showers.

Mrs. Briggs asked him not to include the smaller units and that he is all set with and he had his permit and she wants to keep it out of the equation.

Mr. Gasbarro response was then approximately 16-18 bathrooms and he has already paid the \$5,200 under protest.

Mr. Connolly referred to the Sewer Ordinance on page 8-17 section 8-36.6 Sewer Lot Development Fee and referring to items A, B & under item C in the case of an unapproved residential lot, or in the case of an existing residential building, the \$5,200k fee and installments and under item D in the case of commercial and industrial units, the applicant shall pay a sewer lot development fee based

August 8, 2007

on edu's as defined in 18-26. He also asked if Mr. Gasbarro had certificate of occupancy and on the certificates it would state whether they are residential or commercial?

Mr. Gasbarro believes that they all state commercial.

Mr. Connolly stated that since they are in a defined commercial residential building. He feels that it is going to be \$15k or less and he is facing construction costs and time and delay costs and wants to do it all in one shot. He feels and recommend to the tax assessor to come up with the final determination and upon review that Mr. Gasbarro is dealing with a commercial unit and the commission would refer him back to the tax assessor for calculation of the edu's.

Mr. Connolly explained to Mr. Gasbarro that the Sewer Commission is a recommending body only to the council and the outcome would be up to what the council says.

Mr. Gasbarro stated that he understood that the recommendation would be left up to the council as far as what the outcome would be.

MOTION made by Mr. Connolly, seconded by Mr. McGee and voted unanimously 4-0 on an aye vote to have the sewer commission recommends to the town council upon their examination and the facts of the case they find that Mr. Gasbarro's property is tying in and is commercial/industrial units as per section 8-36.6 d of the Sewer Ordinance and that this matter be referred back to the Tax Assessor for calculation of the edu's as per 8-36.6 d.

Mr. Alvarez stated that he will meet with Mrs. Diane Vadenais in the tax department and help her along and go over with her of what was discussed at this meeting.

Mrs. Briggs stated to Mr. Gasbarro that if he has already worked it out with Mrs. Vadenais and is willing to pay the 20% to the tax department and knowing that it maybe paid in full, that he doesn't need to wait to go to the council in their opinion.

Mr. Gasbarro stated that is what he is planning on doing tomorrow

morning and pay the 20%.

Mrs. Briggs stated that is enough for him to get the building permit and maybe taken care of on the next conversation with the tax collectors office because he is on private property and is not coming out into the street. Therefore it is really an administrative task.

Mr. Gasbarro stated that he will contact Mr. Alvarez first before going down to the tax department.

4. ARTHUR SAUCIER & DEBRA NESPOLO-Plat 1 Lot 43 Buxton Street-Sewer Pump

Mrs. Briggs referred to the letter dated July 17, 2007 received from both Mr. Saucier and Ms. Nespolo and was addressed to Pat Paul, Secretary and a July 23rd letter from the secretary confirming that they had been placed on the August 8th, 2007 agenda.

Ms. Nespolo stated that they were notified by the neighbors that when the sewers were put in that each owner of the property were given a sewer pump at the time to connect to the sewer and was advised that someone lately who decided late to connect recently was given a sewer pump. So they were notified by neighbors that they should attempt to come before the commission to get a pump for their new property that they want to build on and they are currently paying an assessment.

Mr. McGee stated that the only way to receive a sewer pump is if they could not tie in due to a gravity problem. So if the entire house is below grade that would be the only way that a sewer pump is given out.

Mr. Connolly asked them when are they planning to build?

Mr. Saucier stated that within the next month and that they are currently waiting for their plans to come in.

Mr. Connolly stated that the pump is used for those people who need to go up hill. He feels to table their request until they receive their plans and the superintendent can review them and then come back to the commission for a recommendation.

Mr. Saucier stated that he has the drawings from the DEM. They have the approvals to make it a build able lot.

Mr. Connolly suggested that once they get their actually drawings, bring them to Mr. Alvarez for review and to have them return back to the sewer commission at that time so they can take a look at their plans.

Mr. Alvarez stated to bring them to the Mr. Benoit, the building inspector's office at Town Hall and he will pick them up from there but to have Mr. Benoit call him once those plans have been dropped

of at Mr. Benoit's office.

August 8, 2007

Ms. Nespolo stated that because the original drawings showed a pump, that they were under the impression that they needed one.

Mr. McGee stated that it could be that they may need a pump to pump it up to the sewer.

Mrs. Briggs asked them to bring their plans to Mr. Alvarez and once they know it is needed or not, she assured them that it would not hold up their construction. And if they end up needing the pump, the ordinance does state that they are entitled to it.

Mr. Alvarez stated that he has to go out and take a look at it and he'll know whether they need or not once he does take a look at it.

Mrs. Briggs stated that once the determination is made, Mr. Alvarez will then go ahead and order the pump and all of the associated costs that come with that and what will be Ms. Nespolo's and Mr. Saucier's responsibility as well as the maintenance and repair and replacement.

She referred them to section 8-30.(q) Sewer Construction Costs and under (q) Grinder Pump Systems in the ordinance.

5. SUSAN BOWAB-Sewer Assessment Fee Abatement

Mr. McGee recused himself from the discussion of Susan Bowab.

Mrs. Briggs is looking to make some type of recommendation to the council to have Ms. Bowab's usage fee be waived for the duration of the time she owns the property. Ms. Bowab had submitted letters in last months meeting, one being from Allard Construction, another letter from TP McGee and Son and DH Keene. DH Keene stated that her septic system is fully operational and the other two stating that there is excessive ledge on her property. The likelihood of her connecting at this time is considered a hardship. The letter from Ms. Bowab does not clearly state that she is looking to only have a usage fee waived. Any motion if taken tonight would have to be specific in assessment verses usage.

Mrs. Briggs would like to have a discussion with Ms. Bowab and make sure that they know what it is she is looking for. Mrs. Briggs had asked her to provide the commission with documentation that stated it would be a hardship for her to connect. However, none of the information that Ms. Bowab had provided to the commission clearly states that she is looking for an assessment waiver or a usage waiver. Mrs. Briggs will contact her directly and try and get some answers.

MOTION by Mr. Connolly and seconded by Mr. Tikoian and unanimously voted 3-0 on an aye vote and with Mr. McGee who recused himself from the discussion to table to the September 12th sewer commission meeting.

6. FACILITY PLAN DISCUSSION

7 CORRESPONDENCE & COMMUNICATIONS (Discussed Together)

Mrs. Briggs has received correspondence from DEM and from Geremia & Associates. The facility plan was sent to DEM and they in turn sent back 14 articles that needed to be addressed. In a letter dated July 24, correspondence received from Geremia & Associates, Geremia stated they had addressed all 14 articles in that letter. On July 26, Mr. Zeman, the Principal Engineer of the RI DEM responded back to Geremia that in fact all of their concerns and conditions had been met. And now they have been instructed to hold the final public hearing. When a public hearing is held and the final facility plan is submitted to their office, they will turn around in 30 days and give the commission the approved final facility plan. She would like to know when a public hearing could be set up. The secondary issue is that it would be part of the facility plan public hearing would also be the sewer bond. She feels that it would be an opportunity to educate the public as to what is entailed in the sewer bond and what is left within the facility plan assuming that the town goes forward and approves the bond.

Mrs. Briggs feels that her recommendation would be to have the public hearing at the next regular scheduled sewer commission meeting. And she will follow up with the town clerk to make sure meet the advertising and of what the notification criteria should be is met.

8. OLD BUSINESS

Mrs. Briggs and the commission members had further discussions regarding the areas that need to be addressed regarding sewers. She stated that those residents who have come to the commission year after year pleading for help are the Warren Avenue/Park Drive, Greene Street and Waterford areas and with the Waterford area comes St. Paul Street. In order to pick up Greene Street, Victory Highway and Dawley Brook located in front of the apartments crosses Greene Street will be addressed. And Branch Village is the next logical area and becoming the growth center in the town, that area is going to serve that in the Branch Village area which is Tanglewood and it will enable all of the vacant land the opportunity to have sewers. She feels that this could possibly be a two year project.

Mr. McGee asked Mr. Alvarez if the Silver Pines pumping station had been turned over to the town as of yet?

August 8, 2007

Mr. Alvarez's response was no. He did state that they finally identified what the problem was with the station and asked him to order the part for them. The part had been placed this week at their expense and we'll get a technician to come in & put it in for them. They will be paying for that.

Mrs. Briggs asked what would be the timeframe?

Mr. Alvarez stated about a month and it will then be turned over once the part is installed and let the station run and make sure that it took care of the problem and we don't want any surprises and probably run it for about a month and then see how it works.

Mr. Connolly asked what was the problem?

Mr. Alvarez stated that it was undersized breakers.

Mrs. Briggs asked Mr. Alvarez what would be a reasonable timeframe to let the system run and to insure that it is actually working properly?

Mr. Alvarez stated it would be 30 days.

Mrs. Briggs asked Mr. Alvarez if it would be reasonable to asked Mr. Hadden to begin to draw up the necessary paperwork that would turnover the pumping station to the town in the November/December timeframe?

Mr. Alvarez stated that it would be appropriate.

Mrs. Briggs asked Mr. Alvarez who would do it?

Mr. Alvarez stated that he would speak to the Administrator and then he could send a letter to Silver Pines.

9. NEW BUSINESS

None

10. ADJOURN

MOTION by Mr. McGee, seconded by Mr. Tikoian and voted unanimously on an aye 4-0 vote to adjourn the meeting at 8:42 P.M.

Meeting adjourned at 8:42 P.M.

Respectfully Submitted By,

Patricia A. Paul

Sewer Commission Secretary